

REMARKS

Reconsideration and allowance are earnestly and respectfully requested.

Applicants amended claims 5, 14 and 15. The objection thereto can be withdrawn. The amendment does not limit the claim scope so that there is no prosecution estoppel.

The new claim defines over the references. It is not seen that the references describe the multilayer composite having the defined outer layer, foam layer and adhesive attaching the two together.

Claims 6, 7 and 8 have been cancelled with neither prejudice nor disclaimer.

Applicants have corrected the specification at page 17. The Examiner's constructive suggestion for correcting an inadvertent typographical error from former counsel is acknowledged with appreciation.

The Examiner is requested to approve the concurrently filed Request for Drawing Changes.

Claims 1-4, 7 and 8 are believed patentable over the Kuwazuru et al. reference, U.S. Patent 4,579,774. Claims 1 and 5 define novel inventions over U.S. Patent 4,278,728 to Honda et al. Claims 1 and 6 define novel inventions over U.S. Patent 4,986,860 to Akimoto et al. Claims 9-11 define unobvious advances over U.S. Patent 4,211,590 to Steward. Claims 12 and 13 define unobvious inventions over Steward et al. taken further in view of the Kuwazuru et al. reference. Claim 14 is unobvious over Steward et al. taken further in view of Honda et al. Claim 15 is also unobvious over the combination of Steward et al. taken further in view of Akimoto et al.

The Steward et al reference does not disclose the use of an outer layer of acrylic polyvinylchloride and a foam core layer of acrylic-polyvinylchloride.

Steward does not specifically disclose an outer layer which may be comprised of either of an acrylic-ABS or acrylic-polyvinylchloride. Steward does not specifically disclose the use of an acrylic adhesive to bind the outer film layers to the foam core.

The novelty rejection of claims 1 and 6 over the Akimoto et al. reference should be reconsidered and withdrawn. The Examiner is relying on two references, and therefore there can not be a novelty rejection. Clarification is specifically requested so Applicants may be appropriately apprised of the nature and content of the rejection. It is therefore

respectfully suggested that any further communication from the Examiner, absent a Notice of Allowance, not be a final rejection.

It is also noted that the reference specifically teaches styrene, and specifically states that “polystyrene is especially preferred” at column 2, line 35. The present specification instructs those skilled in the art that such styrenic materials are inappropriate due to environmental and other hazards. The specification also teaches that in one of its aspects, the present invention provides a thermoplastic multilayer composite structure which does not contain toxic materials.

Therefore, claim 1 which defines the composite structure so as to avoid the inclusion of such toxic materials (supported the specification at page 5 and page 10) defines a novel and unobvious invention over the applied reference.

This reference appears directed to a non-rigid foam sheet suitable for an interior trim material particularly for vehicles, and to a method for producing a light-weight laminated material having soft touch and good cushioning. This is quite clear from the introduction to the Akimoto et al. at column 1, lines 1-15.

The present claimed inventions are directed towards other purposes and objects, such as boat hull, decks, camper tops, coolers and the like. See page 18, lines 10-13. This is also seen with respect to a high density polypropylene outer surface, which can be hard and stiff, which is the antithesis of what is taught and described in the applied reference.

Claims 1 and 5 likewise define novel inventions over the Honda et al. reference. Applicants do not understand the reference to “Honda” reference with respect to a novelty rejection over solely the Akimoto et al. reference.

Applicants respectfully submit that their new and amended claims defined over the reference. The rejection can therefore be withdrawn.

Claims 9-11 define unobvious inventions over the Steward et al. reference. Applicants appreciate the Examiner’s citation of column 2, lines 5-7, column 5, lines 4-30 and column 5, lines 60-64. Applicants are, however, more impressed with the Examiner’s candid acknowledgment that “Steward does not specifically disclose the use of an acrylic adhesive to bind the outer film layers to the foam core.” Office Action page 6.

While the Applicants can appreciate the Examiner's subsequent rationale, they do respectfully direct the Examiner's attention to *In re Zurko*, Appeal No. 96-1258 (Fed. Cir. August 2, 2001) wherein the Court specifically stated:

Finally, the deficiencies of the cited references can not be remedy by the Board's general conclusion about what is "basic knowledge" or "common sense" to one of ordinary skill in the art. As described above, the Board contended that even if the cited UNIX and FILER 2 references did not disclose a trusted path, "it is basic knowledge that communication entrusted environments is performed over trusted pass" and, moreover, verifying the trusted command UNIX over a trusted path is "nothing more than good common sense." [citation omitted] We cannot accept these findings by the Board. This assessment of basic knowledge and common sense was not based on any evidence in the record and, therefore, lack substantial evidence [sic] support.

In re Zurko, slip opinion, page 8.

Rejections of claims 9-11 should be reconsidered and withdrawn. Claims 12 and 12 are patentable over the combination of the Steward reference, further in view of the Kuwazuru et al. reference for the reasons stated above with respect to each of the references.

Applicants acknowledge the Examiner's candid acknowledgment that "Steward does not specifically disclose an outer layer which may be comprised of ether an acrylic-ABS or an acrylic-polyvinylchloride."

Applicants also point out that the secondary reference does not remedy the deficiencies acknowledged in the primary reference. The Examiner has cited the Kuwazuru et al. reference at column 4, lines 16-20, in an effort to makeup for such deficiency. However, the reference actually refers to mixing a fibrous web "prepared as above" which is partially bonded by means of a resin binder. The foam sheet layer is separate from the fibrous web. It is therefore respectfully suggested that the references would not have been combined, and even if they were, the references still fall short of teaching the present claimed inventions to a person having only ordinary skill in the art.

Claim 14 defines an unobvious invention over Steward et al. further in view of the Honda et al. reference.

Again, the Examiner acknowledges that Steward does not specifically disclose a foam core comprise of acrylic-polyvinylchloride.

The Steward reference refers to fabric making a perforated contour trim panel. The secondary reference to Honda et al. refers to a resilient interior finishing material having excellent cigarette mark resistance (which means when a lit cigarette is placed on the surface of the interior finishing material and crushed out by a shoe sole, the degree of breakage of the surface or the degree of ash adhesion to the surface is low). (Honda et al., column 1, first five lines.) It is not seen how the two references would be compatible or related in the objects and focus, and save through the lens of hindsight.

It is simply not seen now or why someone would take a shoe sole and crush out the cigarette on a head liner produced in accordance with the Steward et al. invention, and attention is directed to Fig. 1.

Lastly, since the primary reference refers to a perforated contoured trim panel, solid objects that are not perforated would be its antipode. Therefore, the reference teaches expressly against various ones of the newly submitted claims.

Claim 15 defines a novel and unobvious invention over the Steward et al. reference taken further in view of the Akimoto et al. reference.

The Examiner candidly acknowledges that Steward does not disclose the use of an outer layer of acrylic-polyvinylchloride and a foam core of acrylic-polyvinylchloride.

The secondary reference directed to a method for producing a highly-expanded non-rigid foam sheet, namely the Akimoto et al. reference, would have been combined with the primary reference. A perforated trim material such as shown in Fig. 1 in the Steward is not the same as nor would it be related to a interior trim material for a vehicle, the trim material deliberately having cushioning properties.

Applicants accordingly respectfully but honestly suggest that their application deserves a Notice of Allowance and earnestly solicits same. If the Examiner has any questions before passing the application to allowance, or if the Examiner has any suggestion for achieving that objective, please contact the undersigned.

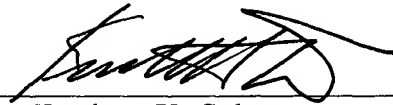
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**SPECIFICATION AND CLAIMS AS AMENDED IN RESPONSE TO THE
OFFICIAL ACTION MAILED APRIL 25, 2001**

Amendments to the paragraph beginning at page 7, lines 3-17:

Preferably, in all embodiments, the densities of top skin 122 and back skin 152 are relatively higher than the density of foam core 230. As to foam core 130, the densities of top skin 122 and back skin 152 are relatively higher than the densities of outer layers 132 and ~~134~~ 136 of foam core 130, which in turn are relatively higher than middle layer 140 of foam core 130. Providing higher density outer skins and a low density core 30, 130, 136 or 230, helps to reduce costs, while providing desired mechanical properties, such as a high shear gradient between the center and outside of the material. Top skin 122 and back skin 152 are constructed similar to top skin 22 and back skin 36 discussed for the first embodiment of the present invention.

Amendments to the existing claims:

5. (Amended) The multi-layer composite structure of claim 1 wherein said outer foam core also includes polyvinylchloride material to form an acrylic-polyvinylchloride ~~form~~ foam core.

14. (Amended) The multi-layer composite structure of claim 11 wherein said foam core also includes a polyvinylchloride material to form an acrylic-polyvinylchloride ~~form~~ foam core.

15. (Amended) The multi-layer composite structure of claim 13 wherein said foam core also includes a polyvinylchloride material to form an acrylic-polyvinylchloride ~~form~~ foam core.

Claims 6, 7 and 8 are cancelled.

New claim 23 is added.